

Notice of Allowability

Application No.

09/998,218

Applicant(s)

IMURA, MINORU

Examiner

Michael J. Moore, Jr.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 8/4/06.
2. ☒ The allowed claim(s) is/are 11-20 (renumbered 1-10, respectively).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with George C. Beck (Reg. No. 38,072) on 10/13/06.

The application has been amended as follows:

In the Claims:

In claim **11**, on line 4, replace the word "adapted" with the word --configured--.

In claim **11**, on line 5, insert the word --the-- after the word "by".

In claim **11**, on line 18, delete the word "means".

In claim **11**, on line 20, replace the phrase "not more" with the phrase --equal to or less--.

In claim **11**, on line 22, replace the phrase "not more" with the word --greater--.

In claim **15**, on line 2, replace the word "means" with the word --section--.

In claim **15**, on line 4, replace the word "means" with the word --section--.

In claim **16**, on line 4, replace the phrase "by transmission power control extraction section" with the phrase --in the extracting step--.

In claim **16**, on line 14, replace the phrase "not more" with the phrase --equal to or less--.

In claim **16**, on lines 15-16, replace the phrase "not more" with the word -- greater--.

In claim **16**, on line 17, delete the word "not".

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/4/06 has been entered.

Allowable Subject Matter

3. Claims **11-20** (*renumbered 1-10, respectively*) are allowed.

4. The following is an examiner's statement of reasons for allowance:

Regarding claim **11**, *Naghian* (WO 00/04649) teaches mobile station 1-2 (extraction section) of Figure 1 that receives power control commands (transmission power control signals) from base station 1-36 and assembles them into a vector 1-4 as spoken of on page 5, lines 5-10.

Naghian also teaches control bit register 1-6 (storage section) of Figure 1 that stores the power control commands of vector 1-4 as spoken of on page 5, lines 8-10.

Naghian also teaches DSP 1-8 and Processor 1-10 (first determination section) of Figure 1 that analyze the command bit vector 1-4 and perform calculation and comparison spoken of on page 5, lines 10-11, as well as page 8, lines 10-15, which

states that the mobile station goes through the power control command values in the change history to detect whether the power control command stream is even (repeatedly generated).

Naghian also teaches control transmission means 1-12 - 1-22 (power changing section) of Figure 1 that adjusts and controls the mobile station power spoken of on page 5, lines 11-13, as well as page 8, lines 12-15, which states that if the power control command stream is even, the power level is not changed but is kept stable (step 3-20 of Figure 3B).

Tran et al. (WO 00/33479) teaches in Figure 7 and on page 25, lines 7-33, how the Doppler shift (frequency deviation) of a received signal is estimated and used to derive the estimated velocity of mobile station 10 of Figure 4. This velocity is then compared to a predetermined threshold value in step 180 of Figure 7. *Tran* follows that if the estimated velocity of mobile station 10 is smaller than the predetermined threshold value, then the power control is derived from the received signal rather than calculating a modified power control (step 210).

However, *Naghian*, *Tran et al.*, and the other prior art of record fail to teach "a second transmission power control determination section configured to determine, if said instruction to increase/decrease transmission power is repeatedly generated, whether a deviation of a frequency of a reception wave due to the Doppler effect is equal to or less than a predetermined value, and permit said transmission power changing section to change transmission power if the deviation is greater than the predetermined value".

Regarding claims **12-15**, these claims are further limiting to claim **11** and are thus also allowable over the prior art of record.

Regarding claim **16**, *Naghian (WO 00/04649)* teaches mobile station 1-2 (extraction section) of Figure 1 that receives power control commands (transmission power control signals) from base station 1-36 and assembles them into a vector 1-4 as spoken of on page 5, lines 5-10.

Naghian also teaches control bit register 1-6 (storage section) of Figure 1 that stores the power control commands of vector 1-4 as spoken of on page 5, lines 8-10.

Naghian also teaches DSP 1-8 and Processor 1-10 (first determination section) of Figure 1 that analyze the command bit vector 1-4 and perform calculation and comparison spoken of on page 5, lines 10-11, as well as page 8, lines 10-15, which states that the mobile station goes through the power control command values in the change history to detect whether the power control command stream is even (repeatedly generated).

Naghian also teaches control transmission means 1-12 - 1-22 (power changing section) of Figure 1 that adjusts and controls the mobile station power spoken of on page 5, lines 11-13, as well as page 8, lines 12-15, which states that if the power control command stream is even, the power level is not changed but is kept stable (step 3-20 of Figure 3B).

Tran et al. (WO 00/33479) teaches in Figure 7 and on page 25, lines 7-33, how the Doppler shift (frequency deviation) of a received signal is estimated and used to derive the estimated velocity of mobile station 10 of Figure 4. This velocity is then

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compared to a predetermined threshold value in step 180 of Figure 7. *Tran* follows that if the estimated velocity of mobile station 10 is smaller than the predetermined threshold value, then the power control is derived from the received signal rather than calculating a modified power control (step 210).

However, *Naghian, Tran et al.*, and the other prior art of record fail to teach, "if said instruction to increase/decrease transmission power is repeatedly generated, determining whether a deviation of a frequency of a reception wave due to the Doppler effect is equal to or less than a predetermined value; and if said deviation of a frequency of a reception wave due to the Doppler effect is greater than a predetermined value and said instruction to increase/decrease transmission power is repeatedly generated, changing transmission power in accordance with the power change instruction".

Regarding claims **17-20**, these claims are further limiting to claim **16** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:00am - 4:30pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.
Examiner
Art Unit 2616

mjm MM

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